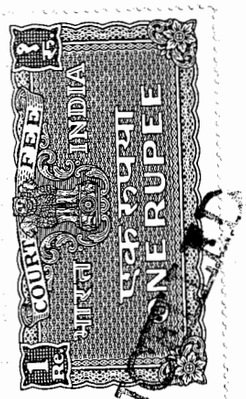

(3) CMSH

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

M.A.NO. 980 /2003.

Single Bench

(APPEAL VALUED AT RS. 25,000/-)

APPEAL U/S 173 OF THE MOTOR VEHICLES ACT, 1988.

APPELLANT
NON APPLICANT No.3 : United India Insurance Company Limited, Through: Its Divisional Manager Divisional Office- Main Road Korba, Tah.& Distt. KORBA (CG)

VERSUS

RESPONDENTS
(APPLICANTS) :

1. Smt. Mamta Bishnoi w/o A.K.Bishnoi aged- 40 years, R/o Sinchai colony, Janjgir, Tah and Distt.- Janjgir-Champa(CG)

2. Sunil Yadav s/o Shankar lal Yadav, aged 23 years, R/o Chandaniya para- Janjgir, Tah.& Distt.- Janjgir-Champa (C.G.)(Driver)

3. ShivNarayan Tamboli s/o Shri Bhuneshwar Prasad Tamboli, aged 24 years, R/o Chandaniyapara Janjgir Tah.& Distt. Janjgir-Champa (C.G.)(Owner)

P.R. No. 2359/03
Presented by Shri Deepak Chopra
dated 16.10.03

Being aggrieved by the interim award/order dated 17-09-2003 passed in claim case No. 78/03 (between the parties "Smt. Mamta Bishnoi Vs. Sunil Yadav & ors.) by Additional Motor Accident claims Tribunal, KORBA (C.G.), appellant prefers this appeal on the following facts and grounds:-

FACTS OF THE CASE

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(14)

आदेश पत्रक

मामला क्रमांक M.A. 180 सन् 2003

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	08.1.2004 Shri Dashrath Gupta, counsel for the appellant. Heard. The appellant has filed this appeal against the award dated 17.9.2003 passed by the Addl. Motor Accident Claims Tribunal, Ambikapur in Claim Case No.78/2003 granting interim compensation towards no fault liability. Brief facts of the case are that the offending vehicle (Mahendra Jeep) bearing Regn.No.C.G.11/SD/0705 was involved in an accident occurred on 24.11.2002 where respondent no.1 namely Smt. Mamta Bishnoi sustained injuries and her left rib was fractured. She was admitted in the hospital. The matter was reported to the Police Out-post, Urga and Crime No.192 of 2003 was registered for the offences punishable under sections 279, 337 and 338 IPC. Respondent no.1 filed claim case and the learned Tribunal by impugned order fastened the liability on the Insurance Company and held that the said vehicle was involved in the accident. The learned Tribunal while holding so, opined that the vehicle was owned by respondent no.3 and insured by appellant/non-applicant no.3 and on account of rash and negligent driving by respondent no.2 , the said the vehicle met the accident and respondent no.1 sustained injuries and her left rib was fractured.	

[पीछे देखिये

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(15)

आदेश पत्रक

मामला क्रमांक M-A-No-980 सन् 2003

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Having considered the facts and circumstances of the case and material on record, there is no infirmity in the impugned order warranting interference by this Court.

However, ends of justice will be served if a direction is given that the owner to furnish an indemnity bond to the effect that in case it is held that the insurance Company is not liable then the owner will indemnify.

The claims Tribunal shall also consider the question raised while deciding the case on merits and will pass appropriate orders regarding restitution from the owner in case such an eventuality arises.

The amount so deposited under no fault liability be allowed to be withdrawn by the claimant on furnishing security.

It is made clear that the claims Tribunal shall decide the case ~~and institute the liability~~ on its own merits in accordance with law without being influenced by grant or otherwise of no fault liability order.

The appeal is disposed of with the direction aforesaid.

Accordingly, M.C.P.No.1689 of 2003 also stands disposed of.

Certified Copy as per rules.

Sd/-
Fakhruddin
Judge

/Rao/

[पीछे देखिये